

## MOTHER-IN-LAW WOULD NOT DIE TO PLEASE HIM.

Alfred C. Scott Says he  
Was Waiting for  
a Funeral.

### Judge Greene Roasts the Witness for Insulting His Wife's Mother.

"I was trying to get along as well as I could. I was putting up money to buy things at home and trying to live in harmony with my wife, waiting for my mother-in-law to die."

The man who had the stereotyped dislike for the stereotyped mother-in-law was Alfred C. Scott, whose wife, Genevieve C. Scott, is suing him for divorce.

This longing for a funeral on the part of Scott, of Mrs. Chadbourne, who is the mother of Mrs. Scott, was voiced on the witness stand this morning in Judge Greene's court when Scott was endeavoring to show why he should pay no alimony to his wife pending divorce proceedings.

Judge Greene looked at the witness and frowned.

At his request, Mrs. Chadbourne, the mother-in-law, took the stand, and told what Scott had not done in providing for his family.

She then retired from the stand and the court refused alimony and costs to the wife, but allowed \$25 a month for the support of the two children of the couple. Then he gave Scott a verbal dressing in the following characteristic style:

"The conduct of the husband on the stand was absolutely scandalous in stating under oath that he was waiting for his mother-in-law to die. I think that a man who will make such a statement is not worthy of belief. It shows what kind of a man he is. A man who could make such a statement is an insult to his wife. He is not only an insult to his wife but also to his children. It shows that he is the kind of a man who should not be allowed to visit his children during the pendency of this case because such visits would cause trouble. I do not give him permission to visit his children during the pendency of this case but I will deny his request to visit them during that time."

Scott flushed while he was being castigated, but he continued, showing considerable embarrassment, because a number of women in the courtroom trained their eyes on him and some of them laughed at him after he had passed.

Scott is employed at the Howard place near the corner of First and Market streets.

### WILL BE TRIED ON CHARGE OF MURDER

#### GREAT INTEREST IS BEING TAKEN IN A CASE IN WYOM- ING COURT.

CHEYENNE, Wyo., Oct. 10.—The trial of Tom Horn for the murder of Will Nickell in the Iron Mountain country opened in the District Court today. The courtroom is inadequate to accommodate the crowd of persons who desire to hear the evidence.

District Attorney Walter R. Stoll made a speech to the defense, it is understood, that the defense will endeavor to prove an alibi for Horn, who was in the employ of a leading cattleman at the time of the murder. The murdered boy, Kels Nickell, who had taken up a small ranch in the Mountain country and placed sheep there. After the murder of his son Kels Nickell was also ambushed and badly wounded.

### THEY DO NOT LIKE THEIR COMMANDER

WASHINGTON, Oct. 10.—The Executive Committee of the Union Veterans Union, which is holding its annual convention today, prepared a report recommending the suspension of General R. G. Dyrenfurth, commanding officer of the 10th Cavalry, on which this action was based were arbitrary use of power and also bearing upon his personal character. General Dyrenfurth, however, is not present over the conference, refuses to recognize the committee, in order that it may make its report, and the meeting is in a state of great confusion.

### SPLENDID SHOWING FOR OAKLAND REAL ESTATE.

CHICAGO, Oct. 10.—Montgomery Ward has won his long fight for the preservation of the entire lake for park purposes, the Supreme Court of Illinois having denied a re-hearing of the case. The whole tract from Randolph street to Park Row and from Michigan avenue to the harbor line of brewhouses, which had been secured for a park, and the erection of any building in the area is prohibited. The opinion, which went down, was in the "Lake front" army, which will be the last in the long series of endeavors to obtain parts of the lake front for other park purposes.

### UNBOAT LANDS.

NAGASAKI, Japan, Oct. 10.—The United States gunboat Princeton has landed at this port the crew of the American schooner Orla Peterson, Captain Hansen, which sailed from Whatcom, Wash., July 21, for Hongkong. The schooner was abandoned with her rudder gone October 3, in latitude 22° N. and longitude 128°

W.

The cash price realized by this sale was

1345 per foot of the frontage on Broad-

way. Practically all the value attaches to the ground, for neither of the intending purchasers proposed to retain the present building standing on the property.

Each proposed to tear it down and erect a splendid modern business structure.

As a further evidence of the permanence of property values in Oakland is the fact that two of our most prosperous banks intend to erect new buildings. These banks are the Union Savings Bank and the First National. It is generally believed that the lot in question was purchased as a site of a new building for the Union Savings Bank.

Oakland's a good thing and the shrewdest of our business men know it.

SAW NO CHANCE TO.  
SETTLE THE STRIKE

NEW YORK, Oct. 10.—The coal operators gave out the following statement to-day: "It was impracticable to reach any conclusion on the strike situation on the basis suggested this morning."

The cash price realized by this sale was

## AWFUL ACT OF A YOUTH

**Kills His Mother and Sister and  
Fatally Injures Four Little  
Children.**

PITTSBURG, Pa., Oct. 10.—While laboring under mental aberration, the result of strain of perfecting an apparatus for patents on an air-brake which are pending in Washington, Charles Cawley, seventeen years of age, of Homestead, Pa., early today killed his mother and one sister, and fatally injured four other children. He also tried to kill his two older brothers, but was detected, overpowered and turned over to the police.

The weapon used was an axe, with which he crushed and hacked his victims beyond recognition. The dead: Mrs. Hannah Cawley, aged about 40 years; head and upper portion of her body almost pounded to jelly.

Belle, the oldest daughter, slept through the massacre. The dull sound of the ax on her mother's head did not arouse her. Charles hurried to her side of the bed and struck her with the ax. It is thought that the first blow slipped and awoke the girl, but the next blow killed her.

The fiend then struck each of the smaller children over the head with the bloody weapon.

Believing that he had dispatched them all, Cawley started for his brother's room, but James, the eldest, had been awakened by the groans in his mother's room, and as Charles entered he seized a heavy rocking chair and after a fierce struggle, overpowered him and turned him over to the police.

On the way to the station he fought viciously, but when placed in a cell he calmed down and did not seem to realize what had been done.

When physicians reached the house, Mr. Cawley and Belle were dead.

The others were still living, but the doctors announced that they could not live through the day.

JOHN A. BRITTON TELLS OF  
CONDITIONS IN THE EAST.

John A. Britton, president of the Oakland Gas, Light and Heat Company, returned yesterday from a pleasure trip East, in the course of which he visited New York, Boston and Washington. Mr. Britton was accompanied by Mrs. Britton and Miss Britton. They had previously been visiting relatives in Nashville, Tennessee, and joined Mr. Britton in Chicago on his way East.

"It is conceded that William R. Hearst will be elected to Congress in New York. He is very popular there, and his district is Democratic. I found Hearst well liked by all but the big financiers.

"The retail business interests and the workingmen regard him with great favor, and they constitute the great body of the population. Many of the great financial operators are afraid of him, however, and think his influence dangerous. But the masses admire him and look upon him as their champion.

"The great coal strike and a speculative craze caused the sudden financial pinch, now so happily averted. It has had the effect of bringing out sharply the fact that the strike must be brought to a speedy end. It must end, for the whole Eastern public has risen against the continuance of a condition that threatens the most dangerous consequences. The pressure brought to bear must inevitably bring about an adjustment shortly. People out here cannot realize what the strike entails, the depressing effect it has had on business or how it has aggravated the sufferings of the poor. The business interests have now joined hands with the President in forcing an adjustment.

"Secretary Shaw showed himself to be a strong and able man in the sudden emergency, and the financiers of the East give him great credit for his promptness and courage.

"President Roosevelt is a popular idol all over the East. I think he is the most popular man I ever saw.

"Men of all classes and all parties unite in singing his praises. They admire his frankness, his courage and

his ability to speak his mind.

"The full strength of the Treasury would be used to prevent a monetary crisis, has absolutely restored public confidence.

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# Antique Iron Candlesticks from 20c

## HALF A MILLION LEFT BY HYDE

WELL KNOWN BANKER BEQUEATHS ESTATE TO WIDOW AND CHILDREN.

THESE NOVEL AND USEFUL ARTICLES HAVE A WHOLE WINDOW TO THEMSELVES ON THE TWELFTH STREET SIDE; THERE ARE MANY DESIGNS, SOME HAVING FANCY DRESDEN CENTERS. NOT ANY TOO EARLY TO BUY A FEW FOR PRESENTS. THEY ARE GREAT VALUES.

## Wood Burning

ANOTHER VERY HANDSOME LOT OF PREPARED ARTICLES, PLAIN OR STAMPED READY FOR ETCHING, HAS JUST COME IN. IT INCLUDES JEWEL CASES, PIPE RACKS, HALL CHAIRS, BOXES OF ALL KINDS, TA-BOURETTES, PLACQUES, BREAD TRAYS, NUT TRAYS, ETC. ETC.

GIVE YOUR FRIEND A SELF-ETCHED PRESENT. COMPLETE PYROGRAPHIC OUTFITS-\$4.00.

## SMITH BROS.

Twelfth and Washington

## WANTS UNCLE SAM TO ACT

(Continued From Page 1)

tion that this combination affects only production of coal within the State and not shipments of coal from one State to another. It is submitted that this distinction is without foundation in the fact of the facts.

GIVES THE LAW.

The legal opinion of the court upon which reliance is mainly placed in the case of the United States against D. C. Knight Company, 156 U. S., 1. In that case several sugar refineries in Pennsylvania had been united to one organization. The court held that this consolidation of interests did not come within the statute because it did not affect the production of sugar, but only the marketing of sugar.

The Delaware and Hudson Company, therefore, most earnestly requests that proper action be taken under the aforesaid statute. Very respectfully,

DAVID WILCOX.

AUDITING BOARD

HOLES A MEETING

TRUSTEES DO NOT SEEM TO BE ABLE TO GET RID OF SUPERINTENDENT.

SACRAMENTO, Oct. 10.—The retiring auditing board to the Commissioner of Public Works, held its final meeting at the Capitol this afternoon, Governor Gage having appointed the successors to the members who have served for the past few years.

The meeting was attended by Chairman T. B. Hall of Sacramento; Gillis Doty of Elk Grove; G. W. Tatterson of Stockton and John Markley of Sonoma.

The session was given over principally to winding up the affairs of the retiring board and related principally to the members.

A communication was received from State Auditor E. P. Colgan and announced that \$2,058,900 of the original appropriation of \$300,000 for river improvements remained unexpended.

The board will meet late this afternoon and organize. They are J. J. Campbell of Galt, D. D. McLaren of Stockton and George B. Stack, Bernard H. Mooney and Dr. W. P. Mathews of Sacramento.

KRON PRINZ IN ANOTHER COLLISION

LONDON, Oct. 10.—The North German Lloyd steamer Kron Prinz Wilhelm, which on Wednesday sank the steamer Robert Ingraham, with the resultant loss of two lives, narrowly missed sending the British torpedo boat destroyer Wizard to the bottom of the sea today. The Kron Prinz Wilhelm, running at an estimated speed of sixteen knots, overhauled the Wizard and the latter, in trying to avoid the liner, came into contact with her. In attempting to clear the steamer, the wizard fired and large quantities of water burst through her hull. Her officers and crew, numbering between fifty and sixty men, were for a minute or two in the gravest peril, but the destroyer righted. It was found that her bows were badly twisted and buckled and that she had sustained other injuries.

FOUND A BRIDE IN THE SOUTH

LOS ANGELES, Oct. 10.—At the Rancho del Fuentes, the home of the bride, about twenty miles from this city, Frederick Cocke, a member of the banking firm of Wells, Herrick & Hicks, 15 Wall street, New York, was married last evening to Miss Georgia P. Strong, a daughter of the late H. W. R. Strong, a pioneer rancher of Los Angeles county. The ceremony was performed by Right Rev. O. W. Whittaker, bishop of the Episcopal Church of Pennsylvania, and was witnessed by about twenty-five friends of the contracting parties. The groom was accompanied by State Senator W. W. Cooke and his sister, Mrs. Mayer, who came on from New York. The couple departed today for New York.

PEDDLER IS SHOT AT BAKERSFIELD

BAKERSFIELD, Cal., Oct. 10.—L. Quinones, a tamale peddler, was mysteriously shot last night near the Santa Fe track and L street. The bullet entered the back, passed through the lungs and came out just below the heart. He lay out all night and this morning recovered consciousness and staggered to his home. H. O. Thomas, a sporting man, living in the vicinity, fired at an intruder during the night and though he claims to have missed his mark, the officers are suspicious that Quinones received the bullet.

MESSENGERS ON STRIKE.

CINCINNATI, Oct. 10.—All the messenger boys connected with the Western Union and the Postal Telegraph companies in Cincinnati are on a strike today, demanding an increase of three dollars a month. The telegraph companies have installed telephones and employed men.

Addison Pipe Co. vs. United States, 175 U. S. 211, there was a combination of manufacturers within certain States which restrained shipments by the parties out of their respective States in competition with each other; the court said: (P. 290.)

RESULT OF COMBINATION.

"The direct and immediate result of the combination therefore must be a restraint upon inter-state commerce in respect of articles manufactured by any of the parties to it to be transported beyond the State in which they were made. In Chesapeake and Ohio Fuel Company vs. United States 115 Fed. Rep. 510, there was a combination of all the miners of coal within a certain territory, set up a common sales organization and the product was in the natural course of business shipped to other States. Both of these combinations were held unlawful for the reason that they restrained the movement of the products of manufacture out of the State.

THE fact that combination has that direct and necessary effect brings it within the statute, it's form is of no importance, for the statute says that every such combination is illegal. As already said, the mine workers' combination does not restrain inter-state commerce but absolutely destroys it. It can be seriously claimed that while a combination which restrains shipments out of the State would be legal, one which absolutely prevents the shipment of coal from the State, is quite as illegal as the combination which directly and immediately destroys inter-state commerce by preventing the existence of its subject matter.

Second—I give to my two daughters, Josephine M. Hyde and Adele L. Morrison, fifty thousand dollars each, and to my son, Edwin C. Hyde, ten thousand dollars.

Second—I give to my beloved wife, Eliza J. Hyde, the balance of my estate and appoint her executrix without bonds.

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SUIT WOULD LIE.

It is submitted that the national jurisdiction is implied in the legislation. It seems very clear, therefore, that a suit would lie against the members of the United Mine Workers' Association as a combination in restraint of inter-state commerce within the State of June 24, 1898, and that a combination in restraint of shipments out of the State would be illegal which could be enforced by all the power of the National Government. This precise course was followed in the Dens case and was supported by the courts, not merely as an infringement upon the mail, but also on the ground of restraint of shipments from one State to another.

The Delaware and Hudson Company, therefore, most earnestly requests that proper action be taken under the aforesaid statute. Very respectfully,

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## Reliable Plumbing

There is quality in all things. When buying merchandise possibly you can afford to experiment but not when purchasing plumbing needs for your house. Then is when you want the best. Health should be considered above all other things. Never economize in your plumbing for it is false economy.

We do good plumbing and while our charges are not high we charge enough to insure good work so that the plumber does not have to slight his work in order to make a profit.

Good plumbing is the only kind you want and you can get it here for a price no more than it ought to be, for the work is the best.

**Ingram Hardware Co.**  
Successors to E. TUTT.  
517-513 Thirteenth St. OAKLAND.

## DR. PARDEE TAKES SHASTA COUNTY BY STORM.

### POPULAR OAKLAND MAN TALKS TO THE WORKINGMEN—CROWDS CHEER THE REPUBLICAN CANDIDATE

REDDING, October 9.—Lively campaigning kept Dr. George C. Pardee on the move in Shasta county today. He arrived here after midnight and this forenoon he visited the copper smelting works at Keswick, accompanied by Superior Judge, Edward Sweeney, W. D. Tillotson and Arthur M. Dean of the Redding reception committee, Postmaster John Hoyle, Sig Lipman and T. J. Cisham met him at Keswick, and H. W. Cushing, one of the foremen, escorted him through the smelting works and introduced him to the men.

Pardee's hearty manner and good nature won the good opinion of the workmen and his popularity was evident before he left. Many of the men pinned Pardee buttons on their blouses and one of them chalked "Governor Pardee" on the handcart which he wheeled. Pardee, to show his spirit of comradeship, took a shovel from one of the men at the furnaces and shoveled slag into the glowing pit. He spent more than two hours in going through the large place. Some of the workmen were old friends of Pardee and they saluted him jovially with "Hello, George."

Two of the employees who have positions of responsibility were in the railroad strike of 1894 and Pardee talked to them about the picket-line yarn which his political opponents have been covertly spreading. A group of the workmen listened to his statement.

No one at the works knew how the picket-line story was started and Pardee was asked how it originated. He said that he had not been able to find out, as nobody fathered it publicly and there was no foundation for it. The story was given different forms in different places. In one locality it was to the effect that he had used picket-lines on the Coxey army while he was Mayor of Oakland, and in another that he had threatened the Coxeyites with picket-lines. Elsewhere the tale was that he had assailed or had contemplated

assailing the railroad strikers in Oakland with picket-lines.

"I was in Siskiyou county when the strike started," Pardee said at the works in his conversational statement. "And I could not get back to Oakland. I tried to hire a handcar, but failed. When a train finally ran from Duncansburg I returned on it to Oakland and found that city in possession of the military. I interviewed the strikers, the military and the citizens, and in three days I had the military withdrawn. The city was then quiet. Not a picket-line or club was used after I returned, and there was no disturbance. The picket-line story was started after I had nominated for Governor, and there is no truth in it."

"After the strike was declared off a committee of the strikers called on me at the Mayor's office and asked me to request the railroad officials to give the men back their jobs and I did so. Most of the strikers were taken back. T. J. Roberts, William Atkinson, Charley F. and other members of the strike committee of 1894 were and are my friends. The other day in Berkeley Roberts spoke of his connection with the strike and denied the picket-line yarn."

Pardee told also in detail of the Coxey army affair and denied that picket-lines or fire hoses were used on the army at Oakland.

As he and his companions were on the way from the works to a restaurant at Keswick a crowd of men on the porch of a saloon near the roadside hailed him. Most of them spoke in a friendly manner, but one of them said: "We don't want any picket-lines here."

The parader was about to pass the saloon, but when Pardee heard these words he faced around and walked to the porch, saying pleasantly: "I want to see the man who spoke about picket-lines." He had to repeat this inquiry several times before the man, who had gone to the rear of the saloon and was out of sight, came forward. Pardee left the road, was pointed out to the men.

The man said that he did not want any argument with Pardee, who told him that the picket-line story was false, and asked him on whose authority he repeated such a fabrication. The man, who was unknown to the other persons in the place, tried to avoid the

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## OAKLAND TRIBUNE

Tribune Publishing Company

William E. Dargie, President

## METCALF'S MAJORITY.

## FOR COUNTY CORONER.

Hon. Victor H. Metcalf will probably receive the largest majority next month ever cast for a Republican candidate for Congress in this district. It is a tribute to his ability and popularity that his majority has increased at each election, and that his merits are so universally conceded as to silence criticism.

Mr. Metcalf has the distinction of being the one Congressman from this district who could command not only the full vote of his party, but draw a considerable strength from the opposition.

Not only is he popular at home, but he is popular in Congress and influential with the President. He is in a position to serve his constituents better than any other man could, and his record attests the value of the services he has rendered. In the next Congress his influence will be even more potent than it is in this.

Mr. Metcalf has been prevented from meeting the voters of his district thus far by sudden and severe illness, but he will greet them and give them an account of his stewardship before the election is over. He will explain the work of Congress from the standpoint of invincible fact, and will clearly show the voters why their interests are, at this time, inseparably bound up in the success of the Republican party.

## LAND MONOPOLY INCREASING.

As the great vacant areas in the United States fill up with actual settlers the tendency of the land to drift into few hands is becoming strongly marked. It is strikingly noticeable in those States of the Middle West where the lands were homesteaded or preempted. In Nebraska, for instance, the proportion of tenant farmers has more than doubled in the past twenty years. In 1880 only 18 per cent of the farms were tilled by tenant farmers. According to the census reports for 1900, 37 per cent of the farms are cultivated by tenants.

In Kansas, Iowa, Minnesota, Indiana and Ohio the creation of a permanent tenant population in the agricultural districts is noticeable. The landholders are becoming fewer and the land holdings larger. In Central and Southern Illinois tenant farming is conducted on a great scale. It has reached such magnitude already that an agrarian question is springing up. Soon the landless in this country will have no new territories to drift into. What, then?

In the great cities the tendency of a few to monopolize the realty grows more and more apparent. Less than four per cent of the resident families in New York own their own homes, and in Chicago the large property-owners are absorbing the holdings of the small property-owners. The lands, as well as the mines, railways and great manufacturing interests are drifting into a smaller and more complete ownership, which means greater concentration, and fewer opportunities for the coming generations in poor or moderate circumstances.

## THOMAS J. KIRK.

Thomas J. Kirk has made an admirable record as State Superintendent of Public Schools. He is an experienced educator who takes a deep personal interest in the science of instruction and he is thoroughly familiar with the needs of our public school system. During his four years of office he has received many flattering commendations, but no adverse criticism. Prior to becoming a State officer he was County Superintendent of Schools in Fresno, and the fact that he has always carried that strong Democratic county attests his popularity among his neighbors. The Republican convention did wisely in re-nominating Mr. Kirk and the people will evince equal wisdom by re-electing him.

There seems to be an irrepressible conflict between the regular parts of the Democratic ticket, and the parts adopted from the Union Labor crusade. Over in San Francisco the Democracy accepted the Union Labor nominees for Congress, but Lane's name is never mentioned at the meetings held to boost the Congressional candidates. At a joint Democratic and Labor meeting to advocate the election of Livermore and Wynn, it is understood that Lane's name is to be taboo. He is to be treated by the speakers as one that is not. If the shade of Thomas Jefferson could come down from the heights of fame, like glistening Phœton, how low he would have to fall to find the boneless Democracy of California!

The Democratic candidate for Attorney General is named Gett, but the cognomen appears to be a trifling directive for a man running for office. He hails from the obscurity of Sacramento, where he is locally known as "Billy." He is not a bad "Bill," but his circulation is rather limited for campaign purposes, "although he is famed as an orator from Oats Park to the Yolo bank of the red and rushing Sacramento. Mr. Gett has many attractive qualities, which the people recognize and admire, but they want a lawyer for Attorney General, and hence will elect Judge U. S. Webb.

## DO YOU EAT

Heartily and enjoy it, or does your food lay heavy in the stomach, causing **SEA-SULPHURIC ACID BURN**? If it does, try a dose of Hostetter's Stomach Bitters before each meal. It will tone up the stomach, stimulate the digestive forces and CURE THESE AILMENTS, which if allowed to continue will develop into chronic dyspepsia. TRY IT TODAY and notice the improvement.

## HOSTETTER'S STOMACH BITTERS.

got all she wants of you. You have done all in your power that a woman can do against me. Do more if you can; it will not hurt me. You have only a few friends, and looking for sympathy you don't think of the home I made for you and your family. I never heard of a rattle-snake half as bad in my life. Now, to settle all trouble, I will take Arnold up north, as it is your consent.

"RICHARD M'LAY."

"My Lydia: Answer with this man."

Another note written yesterday and addressed to the brother is partly unintelligible. The writer states that it is all over with him; that he tried to obtain his child, but failed.

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# The Pace House

THE H. C. CAPWELL CO.

Corner 12th and Washington Sts., Oakland

## Jaunty Jackets

that combine comfort and style should be chosen now, while the selection is large. It may not be so easy to obtain such perfect satisfaction a month hence. Prices all the way from **\$4.50** to **\$22.50**.

For **\$6.75**—A very stylish jacket made of good quality of wool kersey and lined with satin lining; it is 27 inches long and has fancy stitched collar, cuffs and pockets; the colors are navy, red, black, tan and castor. This is very gratifying value for the money.

**\$9.90**—This jacket has a fancy stitched yoke effect and is made of all-wool kersey; stitched cuffs and large storm collar; wide flap pockets; bottom is finished with 20 rows of stitching; satin lined.

## Walking Skirts

—The practical, every-day kind that looks dressy, yet are inexpensive; they are here in profusion enough to make picking pleasant and profitable. Two, suggestive of the rest, are:

**\$3.95**—Black and Oxford Walking Skirts of sensible length; the latest effect in yoked full flare; new slot seams—making a very effective street garment.

**\$4.25**—Novelty Walking Skirt with neat finish of pyramidal corded above the flounce; flounce finished with stitched tabs; this style in navy, Oxford and brown.

## Novelty Golf Vests

have already established their claim to recognition this season. The first arrivals of them are quite smart.

Golf vests in green and red, solid colors.....**\$1.50**  
— in solid navy and black.....**\$1.00**  
— in blue and red with white stripes.....**\$1.25**  
All have gilt buttons.

## RAILROAD FRANCHISE IS DISCUSSED

(Continued From Page 5)

that would be governed by the general law of the State. Mr. Dornin asked about the grade at Ninth and Tenth avenues. Barnett said that Ninth avenue was not open. He had been so informed by his attorney.

Superintendent Palmer said there was a roadway at that place.

## ABOUT GRADES.

There was further talk about grades and the height of a trestle at Seventh avenue, which Mr. Palmer said was too low to enable a man on a freight car to pass underneath it.

Mr. Cuvelier called attention to the fact that the tracks of the company at Thirteenth avenue would compel hundreds of people who reside there to cross them before reaching the tracks of the Southern Pacific Railroad Company. He thought the former tracks should be elevated.

Barnett said that that would deprive them of patronage.

Cuvelier said there were thousands

I HAVE BOUGHT THE

## ENTIRE STOCK

OF THE

## Creditor's SHOE Store

Formerly Jurgens, \$3 Broadway, at 10 cents on the dollar. The entire stock on sale.

## Saturday and Monday

—AT—

## 50c on the dollar

1—Ladies' Kangaroo Calf Buff Shoes, sizes 3 to 8, on sale at 50c.

2—Ladies' Fine Dongola Lace, patent leather tips, worth \$1.75, at 50c.

3—Ladies' Fine Kid Lace Shoes, they come in six different styles, heavy light soles, at \$1.25.

4—Ladies' Dongola Ties, tan or black, worth \$1.25, at 50c.

5—Ladies' Patent Leather Ties, velvet tops, with French heels, all sizes, worth \$1.25, now \$1.45.

6—Ladies' Dongola Ties, cloth or kid tops, patent leather tips, worth \$1.50, at 75c.

7—Ladies' Heavy Extension Sole Ties, with military heels, patent leather tips, worth \$2.50, at \$1.50.

8—120 pairs Ladies' Opera Slippers on sale at 50c.

9—Ladies' L. N. V. French Heel Lace Shoes, they come in vic kid and patent leather, you can have your choice for \$1.50, regular price \$3.50.

10—Ladies' French Vic Kid Lace Shoes, heavy extension soles or light top soles, cloth and kid tops, all up to date styles, you can have your choice out of 12 different styles, \$1.50, worth \$2.50.

11—Ladies' French Calf Patent Leather Ties, velvet or undressed kid tops, military and Cuban heels, up to date styles, worth \$3.00, at \$1.25.

12—225 pairs of Infants' Patent Leather Button Shoes, in red, pink, white, blue and gray tops, sizes 1 to 6, worth 75c, at 35c.

13—Children's Dongola Turn Lace and Button Shoes, spring heels, sizes 4 to 8, worth \$1.00, at 50c.

14—Men's, Boys', Youths', Little Girls' Fine Shoes on sale tomorrow at 50c, never seen before in Alameda county. Come early and secure bargains, to avoid the rush.

## Trustee SHOE Store

962 Washington St.

J. SIMON.

Time to be thinking of the days when the sun will not be so warm. By the way, the nights are growing longer and more chilly.

## New Wool Shawls

The new hand-made Shawls proved a succession of agreeable surprises as they came in. Here are some of them:

Hand-made Shetland Shawls, circular shape; white, pink and white, blue and white.....**75c**  
Larger sizes, same colors, and also in black and white.....**\$1.35** to **\$2.75**

Novelty chinchilla effect Shawls, with black and lavender trimming.....**\$2.50**

Elegant hand-made, shoulder-fitting Shawls, in chinchilla effect, with black finish, exquisite workmanship.....**\$3.00**

Square Shawls, all colors.....**25c** to **\$4.50**

FASCINATORS—all colors and sizes.....**20c** to **\$1.50**

ICE-WOOL SHAWLS.....**35c** to **\$3.00**

## Hand-Crocheted Petticoats

have arrived just at the advent of cooler weather; in the most acceptable color combinations **\$1.95**.

## Black Silk Petticoats

A specially good black silk petticoat, specially priced, is made with acc-adian-plaited flounce and lined, throughout.....**\$5.00**

Stylish black silk petticoats, priced up to **\$12.00**

**\$1.50**—Mercerized moire petticoat; deep accordian-plaited flounce finished with soft ruffle.

At **\$1.95**—Italian cloth petticoat; flounce with three tucks and three hemstitched ruffles.

At **\$3.60** to **\$6.50**—Many novelties in moreen petticoats with flounces, in a variety of styles.

## GOV. GAGE SPEAKS FOR DR. PARDEE.

Says He is a Man of Rare Character and Worth.

## Wants to See Him Have a Phenomenal Majority in November.

## BAKERSFIELD, Oct. 9.—Governor

Henry T. Gage was given a splendid greeting last evening by an immense audience at Scribner's Opera House, as he has many warm personal friends among the people of Kern county, and they are not confined to any party. When he rose to be introduced, which was an unnecessary formality, though a polite one, he was greeted with a rousing burst of enthusiastic applause and his reference to his economical administration was loudly cheered.

Governor Gage's speech was as follows: "Mr. Chairman, Ladies and Gentlemen: I thank you for this cordial greeting. I believe that it is not only an exhibition of friendliness to myself, but is an endorsement of my gubernatorial acts. I assure you, always performed for bettering the condition of the State, its interests and the whole people of the State. It is neither my intention nor idea to make an extended speech here tonight. I did not come to Bakersfield with that intention. I came here to witness your creditable fair, to pay my respects to the people of this city and Kern county, and also to avail myself of this opportunity to express my sincere gratitude to the people of this city and Kern county for loyalty to me in my recent fight for renomination in the late Republican State Convention.

That contest resulted in the choice of a gentleman, not your choice, but nevertheless a brilliant man, a man of rare character and worth, and I hope that Dr. Pardee (appause) may have a phenomenal Republican majority in November. (A voice: "How about Charlie Curry?") Charlie Curry—I have sat by his side, if you want to know, in the Board of Examiners for the last four years and I have always found him a brave and honest man, and, for one, I believe that he is entitled to reelection for the splendid manner in which he has conducted the affairs of his office.

"I am a Republican, and I believe in the triumph of my party. While it has been thoroughly understood that I should not make a campaign speech tonight, it was the desire of some of the people of this city, as well as the wish of the standard-bearer of the Republican party that I should come here tonight and preside over this great meeting, and among other things, to introduce to you the speakers of the evening. Accordingly it becomes my duty and pleasure now to present to you that talented and accomplished lawyer, a man who, in my judgment, is the best of his profession, a man of great ability: a man who, in his administration, as Mayor of the affairs of the great city of Oakland, has demonstrated his fitness for an office of this character."

The speaker closed by telling the people of Kern that it was time for them to come out of the dark and into the sunlight, and stand by the party of progress and prosperity.

"East Lynne" continues to attract large audiences at the Dewey Theater.

Sunday night the famous "Hello, Bill" Company will play at the Macdonough. "The Bonnie Brier Bush" will be the attraction at the Macdonough Theater Monday night.

The matter went over till Monday night.

## VICEROY IS DEAD.

HONG KONG, Oct. 10.—Tao Mu, Viceroy of the provinces of Kwang Tung and Kwang Si, is dead.

Advices brought to Tacoma, Wash., September 10th, by the steamer Viceroy, were to the effect that Tao Mu had been forced to resign and retire under danger.

Mr. Palmer said he could not pass without endangering his life.

## WANT'S INFORMATION.

Mr. Dornin said he would like Mr. Barnett to tell him how many switches would go down on Third street.

Mr. Barnett said that would depend on the business which would spring up all along the line.

Mr. Dornin then said he would like to be informed as to what was the financial standing of the company. The assistance it expected to receive, the amount to be invested in Oakland, the time of beginning, the members of the company and the time of the completion of the road.

Mr. Barnett said it would not be

## AMUSEMENTS.

The Shirley Company is presenting a clever series of plays at the Macdonough.

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JOINED CLERKS' UNION.

Sixteen of the clerks employed in J. A. Joyce's dry goods store on Washington street have joined the Retail Clerks' Association, No. 47, Oakland Branch. The initiation took place last Monday evening and a large attendance was present to witness the new members taken into the fold.

DEATH OF HIRAM SURPLUS.

After suffering for months in a little hotel near the shores of Lake Merritt aged Hiram Surplus died yesterday afternoon at the Receiving Hospital.

FOOD VS. RECREATION.

Good of the Greatest Importance.

There is really no need to go away for rest if one will take scientifically-made food that rebuilds the nerve centers and makes work a comfort and pleasure.

One of our prominent novelists was sent to Colorado. "I ride every day, sleep in a tent, eat when you are hungry," my physician told me, but food did not satisfy me and rest would not end the fatigue that had me in its grip. I was more machine; eating, sleeping, riding, riding, but unequal to a day's work and with no zest for the day's pleasure.

"At the lowest ebb of strength and courage, my eye fell on a piece of newspaper with which my guide was making a camp fire, and I picked it up.

It was red Grape-Nuts.

"Food for Brain and Nerve Cells," I read.

It seemed to be a description of my own case cured by a diet of Grape-Nuts. I sent for a supply of the food by the next pack-train that left my camp. It came, 45 miles from the nearest settlement, on a burro's back. That night I ate Grape-Nuts without cream, sugar or syrup. It tasted good. I felt that for the first time in six months, I had been fed.

"I went to my bed of pine boughs, slept like a tired child, and woke rested. Then I knew that I had found what needed better, better than a new sky, better exercise, better than rest, better, lacking in food that exhausted nature was trying for, these things could not help me.

"I am well now. If, in the future, I win any rewards by my pen, I shall count them gained by the food that made work possible to me, and that gave back to me my old joy in living. Name given by Postum Co., Battle Creek, Mich.

## ABRAHAMSON'S

STORE CLOSED SATURDAY ALL DAY, BEING A HOLIDAY. OPEN SATURDAY NIGHT FROM 6 TO 10 O'CLOCK.

## MODES PATTERNS

We are sole agents for Oakland for the popular Modes Patterns. Have you ever used them? If not one trial will have made you the mistake you have made in not adopting them. In the home sewing, the Modes Fashion Magazine, the brightest of all fashion publications, depicting the very latest style ideas and having page after page of other interesting reading, 50c per annum.

## Many Pleasing Attractions in our Millinery Department.

## SATURDAY NIGHT SPECIALS

100 WALKING SKIRTS, made of Melton Cloth and Mixed Twills, new styles, fully worth \$4.00. For a few hours Saturday night, \$2.95.

Monte Carlo Silk Coats, made of good quality Peau de Soie, lined with grey satin, plaited front and back, with flowing sleeves. This garment is worth \$18.00. Saturday night, \$12.50.

50 BLACK DRESS SKIRTS, made of all wool Cheviot, nine gore flare, all slot seams, value \$6.00. Saturday night, \$4.45.

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## Oakland Tribune.

Office Telephone.....Main 46  
Subscription Telephone.....Main 159  
News Telephone.....Main 160



## AMUSEMENTS.

Macdonough—"Hold by the Enemy." Duxey—"East Lynne." California—"Hello, Bill." Tivoli—"Carmen" and "Don Pasquale." Grand Opera—"The Rivals." Central—"Where is Cobb?" Alcazar—"The Pride of Jennie." Orpheum—Vandeville. Pictures—"Thrill-a-Go" and "The Other Way."

Picnics at Shell Mound Park. October 12—Eagle shooting and picnics of the Hannoverauer Verdin, to 11 P. M.

FRIDAY.....OCTOBER 10, 1902.

## PERSONALS.

OCTOBER BABYGAINS. In bedroom and dining room furniture, bed sets, couches, lounges and easy chairs, at H. Schellhaas, corner store, 11th st., Oakland. c

OAKLAND HAIR STORE. Just opened.

EMPLOYMENT. Mrs. Mrs. Harold's first class help of all nationalities. Franklin st.; phone Red 2433.

GOOD SEAMSTRESS. \$1.25 a day; will take sewing home. 1st, Hart, Seminary ave., East Oakland.

FOR FIRST CLASS HELP call on Mrs. Schellhaas, 669 14th st., or phone Red 1411.

BEST PLACES IN town for referenced help, male and female. Cattell's, 525 Eighth st.; telephone Black 2416. h

## SITUATIONS WANTED—FEMALE.

JAPANESE WOMAN wants work by the day. Japanese housework.

A YOUNG LADY NURSE wants a position in a doctor's office. 1021 Myrtle street. h

WANTED—Position at light housework. In small family of moderate means; references. Box 84, Tribune. h

RESPECTABLE GIRL wants situation as maid or housekeeper; wages \$25; best of references. Box 82, Tribune. h

WANTED—A situation by a good cook, to do general housework; wages \$25. Call for two days, 517 st. h

SWEDISH GIRL wants position to do housework in small American family.

EMPLOYMENT. Mrs. Mrs. Harold's first class help of all nationalities. Franklin st.; phone Red 2433.

GOOD SEAMSTRESS. \$1.25 a day; will take sewing home. 1st, Hart, Seminary ave., East Oakland.

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BEST PLACES IN town for referenced help, male and female. Cattell's, 525 Eighth st.; telephone Black 2416. h

FURNISHED ROOMS TO RENT.

FOUR furnished housekeeping rooms, one block from narrow gauge. 283 13th st. n

HOUSEKEEPING rooms to let. 512 18th street. n

WANTED—Two or three sunny rooms with private family, in desirable location. Box 77. n

FURNISHED housekeeping rooms. 531 10th st. n

DOUBLE furnished room. Apply 567 6th.

ONE furnished room with board for gentleman and wife. \$2 20th. n

FOR RENT—Two or three furnished rooms, singly or together. Address this office. n

MOST desirable rooms, en suite or single, within five minutes' walk of narrow and broad gauge; for gentlemen. Apply 106 Jackson st. n

FURNISHED rooms, suitable for gentlemen. 524 10th st. n

692 CEDARSTON ST.—Exceptionally fine rooms, single or en suite; one block from Hotel Metropole. n

NICELY furnished room; private family; hot and cold water; nice bath; gen. men. 535 Telegraph ave. n

FOUR or five connecting rooms. 609 16th street. n

ROOMS to rent in private house. 1374 Franklin st. n

A NICELY furnished front room, suitable for one or two gentlemen. 513 10th. n

FURNISHED housekeeping rooms. 301 Franklin st. n

GAS CONSUMERS ASSN. reduces your gas bill 20 to 40 per cent. 1004 Edwy. c

SPIRITUALISM—Madame Sodan, world renowned card reader and palmist. 513 Tenth st., nr. W. shington. The truth on no fee. c

## BUSINESS CHANCES.

A SMALL grocery business to exchange for one in Fruitvale or Elmhurst. Apply at P. C. Lassen & Co's, 466 10th st. Oakland. w

FOR SALE OR EXCHANGE—Two square pianos; three organs; a lot of good second-hand furniture; a lot of books; for convenience of sale. H. Schellhaas, corner 11th and Franklin sts. w

INCORPORATED \$10,000 MONEY—MONDAY \$10 makes \$1,000 by our care and safe system. First investment. Write for Prospectus. The Armstrong Baldwin Co., Turf Commissioners, 602 Omaha Blvd., Chicago. c

A LUCRATIVE BUSINESS, which will pay 100% grossly, to a well-to-do man or woman; no limit to its possibilities; worth \$500, but must sell; only \$10 cash. Address P. L. S. care Tribune. w

## GENERAL NOTICES.

SAN FRANCISCO COMMERCIAL AGENCY (incorporated), rooms 17, 18 and 19, Mills building, seventh floor, San Francisco telephone Green 2-4000. Agents throughout United States and Europe; special attention given to bankruptcy and probate matters; money loaned; loans negotiated; references. American Commercial Co., C. O. Cotton, President and Treasurer; G. H. Perry, Attorney.

WANTED—Extra help for our October sale of furniture; we are not going to have any furniture to sell this year. Turn to the old reliable corner 11th and Franklin sts. b

GEO. W. BLOOM,  
EX-EXP. SAFFORD, PAPER,  
SCALE REPAIRER.

Late with the U. S. Government. 527 Seventh st., near Clay, Oakland. b

OAKLAND BOTTLE AND IRON YARD buys and sells melted scrap, cans from metals, etc. Cor. Fifth and Webster sts. Telephone MAIN 35. b

OAKLAND WINDOW Cleaning Co., southeast corner Eleventh and Broadway; cleaning show cases, looking glasses, etc.; contracts by week or month; business phone Red 3347. G. F. Gignor, manager; residence phone White 999. b

WANTED—HOUSES AND ROOMS.

JAPANESE Day Work Co.—Competent help of any kind. 908 Telegraph ave. telephone Main 692. g

JAPANESE AND CHINESE Employment Office; first class help of every kind. Tel. Black 432; 418 7th st. g

## MALE HELP WANTED.

BOY WANTED—Neat, bright boy, about 16. Hotel Metropole, 13th and Jefferson. d

STRONG BOY to learn glove cutting. Apply at 1710 7th st., West Oakland. d

WANTED—Good bright men who will be interested in the business of the furniture man. Come attend school for half day or otherwise. State wages desired and previous experience. Address Box 62, Tribune Office, Oakland. d

AN aptitude wanted; one who has had some experience. Apply Tribune Office. d

ELDERLY man can render comfortable home and small wages for service about home. Address P. O. Box 192, Fruitvale, Cal. d

## FEMALE HELP WANTED.

WANTED—Girl for general housework; \$20 to \$25. 517 Hobart st. c

WANTED—A girl for general housework in Alameda; two in family; references required. 181st, San Antonio ave. c

YOUNG GIRL for general housework at 118 7th ave. d

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## WORKINGMEN TO HEAR LECTURES.

THEY WILL BE ENTERTAINED BY FACULTY AT THE STATE UNIVERSITY.

Mrs. Emma E. Felch, Treasurer Fond du Lac, Wis., Social Economic Club, Tells How She was Cured of Irregular and Painful Menstruation by Lydia E. Pinkham's Vegetable Compound.

DEAR MRS. PINKHAM:—I have used Lydia E. Pinkham's Vegetable Compound for irregular and painful menstruation, and was entirely cured after using two bottles. I can truly say it is a boon to suffering women, and I would recommend all suffering from the above troubles to try a few bottles and be cured. Very thankfully yours, EMMA E. FELCH, Division St., Fond du Lac, Wis.

### \$5000 FORFEIT IF THE ABOVE LETTER IS NOT GENUINE.

When women are troubled with irregular, suppressed or painful menstruation, weakness, leucorrhoea, displacement or ulceration of the womb, that bearing-down feeling, inflammation of the ovaries, backache, bleeding (or flatulence), general debility, indigestion, and nervous prostration, or are beset with such symptoms as dizziness, faintness, lassitude, excitability, irritability, nervousness, sleeplessness, melancholy, "all-gone" and "want-to-be-left-alone" feelings, blues and helplessness, they should remember there is one tried and true remedy, Lydia E. Pinkham's Vegetable Compound, at once removes such troubles. Refuse to buy any other medicine, for you need the best.

No other medicine for female ills in the world has received such widespread and unqualified endorsement.

Mrs. Pinkham invites all sick women to write her for advice. She has visited thousands to health. Address, Lynn, Mass.

## MUSICAL AT U. P. E. C. HAYWARDS. HARVEST BALL.

YOUNG WOMEN WILL PRESENT SAN LEANDRO PORTUGUESE SOCIETY WILL GIVE BIG EVENT.

HAYWARDS, Oct. 10.—A high art concert will be given at the Haywards Opera House on the evening of October 1st by two Haywards young women, Misses Anna Obermuller and Julia Kinsey. They will be assisted by the Misses Mary, Susan and Dorothy Pasmore, who, although children, have demonstrated the fact that they are possessed of more than usual ability.

The concert will be given under the direction of Mr. Paul, the well-known musical director of San Francisco, and it will undoubtedly be the most artistic affair of his kind ever presented to the people of Haywards.

The Misses Obermuller and Kinsey are well known to the residents of Haywards, they having made their home here since childhood. They are to be congratulated on their success.

The following interesting program has been arranged for the occasion: 1. Trio, Hungarian Dances... Brahms. 2. Songs, Die Mainsch... Brahms. 3. Ritternelle... Chamindale. 4. Cello solo, (a) The Gondolier... Mendelssohn. (b) Spring Song... Mendelssohn. 5. Songs, (a) Spring Song... Well. (b) That We Two Were Maying... Nevin. (c) Doris... Hayden. 6. Miss Julia Kinsey.

7. Trio, (a) G. and (b) Hayden. 8. Cello solo, (a) Mendelssohn. (b) Spring Song... Mendelssohn. 9. Songs, (a) Spring Song... Well. (b) That We Two Were Maying... Nevin. (c) Doris... Hayden. 10. Miss Julia Kinsey.

11. Duo, (a) Hungarian Dances... Brahms. 12. Songs, Die Mainsch... Brahms. 13. Ritternelle... Chamindale. 14. Cello solo, (a) The Gondolier... Mendelssohn. (b) Spring Song... Mendelssohn. 15. Songs, (a) Spring Song... Well. (b) That We Two Were Maying... Nevin. (c) Doris... Hayden. 16. Miss Julia Kinsey.

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# RAILROAD FRANCHISE IS DISCUSSED BEFORE COUNCIL.

## Questions of Grades and Crossings Debated by Representatives of Southern Pacific and Those of New Company.

There was a meeting of the Council Committee on Ordinances and Judiciary last night, at which all the members save Chairman Cadman were present; namely Fitzgerald, Wixson, Bishop and Courtney. Mr. Fitzgerald occupied the chair.

The question for consideration was the franchise for a steam single or double track to the San Francisco and Oakland Terminal and Ferry Railroad through various parts of East Oakland and especially along Third street to Union street near the Estuary.

A short time before midnight, the committee, after listening to lengthy protests against and pleas for the proposed franchise, referred the matter back to the Council which will, in turn, refer it to the Committee of the Whole for consideration at a date yet to be decided upon.

Notwithstanding that the meeting was in the name of the Ordinance and Judiciary Committee, all the other members of the Council save Cadman and Boyer were in attendance.

The petitioner was represented by Attorneys Reed & Nusbaumer and Attorney Bartnett, while the Southern Pacific Railroad Company was represented by Attorney A. A. Moore and Superintendent Palmer.

In the auditorium were a number of well known citizens.

**COLONEL BENDEL'S PROTEST.**

The chair asked if any protestants desired to be heard. Colonel H. Bendel arose and presented the following protest which was read by Clerk Church:

"Being one of the property owners of the Sixth ward who protest against the franchise for the construction of a railroad to be run through Third street, I wish to give my reasons for doing so.

"There is no doubt about it that the property, not only on Third street, but on all streets up to Seventh street will be greatly depreciated. If it were for the purpose of bringing in an overland competitive road, as has been stated by the papers and also by those parties desiring to obtain a franchise, it might benefit the city of Oakland, and I would be willing to withdraw my protest, even if my property should be largely depreciated in value.

"But I have been informed by reliable parties that this railroad line is only for the purpose of running freight cars through Third street in connection with the Tesla Coal Company. This would be of no benefit to the city of Oakland, and, at the same time injure all the property of the Sixth Ward, and those people who have signed the petition for one hundred dollars, will soon find that their property will be valued in value for more than twice the amount they received. If these parties who apply for a franchise honestly mean what they say, the franchise should only be granted under the condition of bringing in a competitive Eastern road. But, as stated above, I have been informed that the parties who apply for the franchise are negotiating with the Southern Pacific road to run all the freight cars through the proposed line on Third street and, such being the case, I would suggest that First street be widened, which would not be objectionable to anybody."

"The proposition before you does not present anything to show its good intent. It doesn't propose to pave, but, on the other hand, to lay down tracks from curb to curb.

**THE SANTA FE.**

"My recollection is that when the Santa Fe was seeking a franchise here, the gentleman who represented it, was pulled by the Council, from wherever he was, in San Francisco, I think, brought over here and compelled to state what he wanted and what he proposed to do for the town and people.

"We would then like to be heard as to the safeguards with respect to the line of the Southern Pacific."

**C. H. KING.**

"So far as we know," said C. H. King, protesting property owner at Third and Broadway, "this is a franchise that the Tesla Coal Company asks for. They ask us to give them absolute right to Third street. They ask us to give them the whole street, the whole sidewalks, which means confiscation of the property. It would render valueless all buildings between Third and First streets for the purposes for which it is used today. These are vested rights and they ask us to sweep them away at once. I think there ought to be an investigation to see if the profits will exceed the bene-

**H. BENDEL.**

Colonel Bendel endorsed all the Clerk had read and then resumed his seat.

**A. A. MOORE SPEAKS.**

"It would be better" said Mr. Moore, "if all the members of the Council could be present. I think it was hardly proper to refer this matter to the Judiciary Committee instead of the Committee of the Whole, considering that the father of the ordinance (Cadman) is the chairman of the Judiciary Committee. It is not likely that the gentleman who introduced the bill would

see if the profits will exceed the bene-

make any report upon it save one favorable to its passage.

"Another thing is the entire absence of what may be called the bona fides of the new alleged company. I have heard no inquiry made by the Council as to the use of the road or as to who is behind it or what they intend to do.

"The modern trend, especially with reference to the existence of railroads within municipal corporations, especially where they have been granted valuable franchises, is to have them, instead of crossing at grade, go over or under existing tracks, and it has been that way for years.

"Municipal corporations are now more careful in giving up the use of streets for franchises. If a franchise to establish this railroad should be granted, it would be a valuable one, and if this company ever undertook to float a bond issue to buy the Tesla road or other property, they would find this franchise to be asset of millions in value. I agree with the gentleman who said that the first and only duty of a body like this is to represent the interests of the great body of the people and of the city. You stand in the position of judges. You should be the conservators of their interests.

"I would suggest that a proper inquiry would be whether along this street that cuts and cuts lines already here; whether, without regard to who is behind it; whether by running on Third street and blotting out all between First and Seventh streets—whether the City of Oakland would be convenience or benefited by such a road. That's a matter I am not going into. I would like to have the Council institute inquiries to see who is behind this road.

"Chicago is paying half with the citizens to enable cars to be carried over or under grade, because it is a relic or barbarism where people are settled the thickest that their lives should be jeopardized by the granting of a privilege which is entirely one-sided."

Mr. Moore then quoted from the charter of San Francisco to show that the metropolis even had taken a step toward the practice which obtains in the East of requiring applicants for franchises as trans-continental lines to have laid down not fewer than fifty miles in the county; that no exclusive franchise was to be granted to any railroad, and that one company would be allowed to use the tracks of another by the payment of an equitable share of the expense of repairs and maintenance.

"The proposition before you does not present anything to show its good intent. It doesn't propose to pave, but, on the other hand, to lay down tracks from curb to curb.

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"My recollection is that when the Santa Fe was seeking a franchise here, the gentleman who represented it, was pulled by the Council, from wherever he was, in San Francisco, I think, brought over here and compelled to state what he wanted and what he proposed to do for the town and people.

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**SUPERINTENDENT PALMER.**

Superintendent Palmer of the Southern Pacific Railroad was then introduced. He referred to the fact that franchises sought to be extended through private property of the Southern Pacific where the coming company had no property rights and where in order to get through, the new company, would have to acquire right of domain. That, the speaker held, would be conferred upon the concern of the proposed franchise should be granted.

Mr. Palmer then referred to the pro-

posed right of way from Thirteenth avenue, the crossing of the Southern Pacific tracks east of Clinton station, the crossing again of the Southern Pacific tracks at Third and Webster streets and, finally, of the termination at Union street.

"The newspapers," he said, "have stated that these people have acquired 135 acres on the estuary, on which they are to build a railroad depot and locate slips for a ferry line to San Francisco.

"Just how the railroad is to get from the center of Third street to the estuary is not mentioned in the franchise. Just why it is not mentioned is what we are anxious to ascertain. So far as a competing line with the Southern Pacific is concerned, we care nothing. But, in so far as it hampers the free access to our lines, it is, so far, that we are interested in this franchise. On my pay-roll are men to whom monthly the Southern Pacific Company pays \$300,000. Of that amount, it is safe to say that \$200,000, yes, \$250,000, is expended monthly in Oakland, probably \$3,000,000 a year and that's why we think there should be some clause in that ordinance to protect our line.

"In East Oakland, the line of this new company is contiguous to that of our company. The grade at Commerce street is five feet, at Thirteenth avenue and Eleventh street, it is 11 1/4 feet; at Twelfth avenue, 7 3/10 feet. Unless this line raises the grade at Commerce street 4 or 5 feet, raises the grade at Twelfth avenue 4 feet; it must cut along Thirteenth avenue and Eleventh street, which is improved for a considerable distance, leaving a wall across which teams and people will be enabled to cross only with danger to both life and property."

"In any event," said Mr. Moore, "you would be the suffering party."

"Yes," was the reply.

"How close to your road do they run at Seventh and Eighth avenues?"

"Within 30 feet."

"If a trestle should be built for the track, you would not object to the franchise?"

"Not if it safeguarded our road and patrols."

**PRESIDENT SCHAFER.**

"This Council," said Councilman Schaffer, "has not come here tonight for the purpose of passing to print an ordinance on this subject. The committee has just assembled for consultation. It does not intend to make any recommendation this evening, but simply to hear both sides of the question. The Council will then deliberate and the people will be informed as to when action will be taken."

**MERCHANTS' EXCHANGE.**

Clerk Church then read a series of resolutions asking the Council to grant a franchise to the new company, at the same time safeguarding the interests of the property owners and the city.

**PRESIDENT BARTNETT.**

President Bartnett of the San Francisco and San Joaquin Coal Company, who is also an attorney, was introduced and spoke in favor of the proposed franchise.

"When President Harriman of the Southern Pacific Railroad Company was here some time ago, he spoke of the necessity," said Bartnett, "of railroads being properly used by public bodies. He dwelt upon the necessity of citizens giving reasonable aid to his road and asked that fair treatment be extended to it and to other lines in the development of a territory.

"General Barnes responded, and his speech, one of the last he delivered with his masterful eloquence, will live although he has passed away. He dwelt upon the extension to the railroad of the hands of the 'knocker.' He showed that when any enterprise was promoted in California, there was on hand, 'the knocker' to destroy it.

**WHAT HARRIMAN SAID.**

"When Harriman returned home the newspaper men asked what he had seen in California which had made an impression on him. He replied that the population of Brooklyn was equal to the population of the entire State of California.

**EDSON F. ADAMS.**

Edson F. Adams said that he represented the California Development Company and the Adams' wharves situated on the water front. The company he represented did a big business on the water front and on its property there were a number of tracks for the facilitation of that business. More tracks were to be built up as far as Sixth street an order had been placed for that purpose. The applicant for the proposed franchise proposed to cross the tracks in question at Third street. The speaker had a talk with the gentlemen who were seeking the franchise, but could get no satisfactory answer as to what was going to be done at that crossing. "I got," continued Mr. Adams, "what is commonly called the 'glad hand.' That he continued, was not business. The new company proposed to pull out a right of way forty feet wide. Such a width was ample for a double track. What was required and desired was the placing of flag-men at the intersection and the use of a modern signal device which would be the means of preventing accidents.

"We have expended," continued Mr. Adams, "a great deal of money for the improvement of the property. We have forty acres there and we have a number of spurs on them and it is only fair that we should be treated properly by the new company."

"There is no proposition of the kind," said Palmer. "The line does not run down to the foot of Union street. It extends only to the western line of Union street on Third street. There is also no time limit. If you want to do us justice, you will establish the grade at which this line will cross our tracks."

Mr. Palmer then referred to the building, at present, of the Coast line, through San Francisco, and emphasized the fact that the Southern Pacific Company is buying its right-of-way through private property in that city.

**THE COAL LINE.**

Referring to the coal line of the San Francisco and San Joaquin Company from Stockton to Tesla, Mr. Palmer said that the Southern Pacific had an agreement with it at several places in the San Joaquin Valley by which the coal road was obligated to maintain serviceable and modern signals at crossings. However, with only one train a day on the coal road, there was

not much danger of collision, and the agreement had not been insisted on, but it was nevertheless in existence.

"The Tesla road," he continued, "has been offered time and again for sale to the Southern Pacific. But the Southern Pacific didn't want it. It has been offered often to the Santa Fe. But they don't want it either."

Tesla, he declared was as high as Altamont, the highest place in the county, and, before a line could be built there would have to be a big tunnel cut through the hills.

"It has been said," continued Mr. Palmer, "that this road will run near places not now having the benefits of railroads—that it will run to Dublin and thereabouts. Well, haven't they railroad accommodations there? Our line runs through the Livermore Valley and I have not heard that the people feel that they are not being served.

**PEOPLE SERVED.**

"We have a line to San Ramon. That serves the people there. We have a right of way purchased from San Ramon to Pleasanton and the road will be built on it as soon as the trade demands warrants it. I don't see that the people are suffering. If those people should see fit to sell their franchise, we should still be at the mercy of those who got it."

"In any event," said Mr. Moore, "you would be the suffering party."

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